

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07CR106-4**

**UNITED STATES OF AMERICA,**

**Vs.**

**JERRY PENNINGTON.**

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**ORDER**

**THIS MATTER** came before the court upon the motion of the government filed pursuant to Rule 35, Federal Rules of Criminal Procedure, to reduce defendant's sentence. On October 8, 2008, the court heard oral arguments and issued its decision from the bench.

For the reasons stated from the bench, the government's Motion to Reduce Sentence is **ALLOWED** and the sentence of incarceration is reduced from 63 months of incarceration to 30 months of incarceration, with all other terms of the sentence remaining in full force and effect.

October 8, 2008  
Asheville, N.C.

  
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T. S. ELLIS, III  
UNITED STATES DISTRICT JUDGE